IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

NOTICE OF MOTION NO.142 OF 2005

IN

SUIT NO.53 OF 2005

IN

PETITION NO.477 OF 2003

Suresh Jamnadas Paleja ...Deceased

Uday Hansraj Paleja ..Petitioner/plaintiff

V/s.

Mathuradas Jamnadas Paleja ..Caveator/Defendant

And

Mrs.Ramila H. Paleja & Ors. ...Respondents.

Mr.R.C. Nichoni i/b Ms.N.Z. Khapra for plaintiff.
M.S. Bhandari i/b Suman Jain for defendant.

CORAM : D.K. DESHMUKH, J.

DATED : 29/06/2006

P.C.:-

. By this notice of motion defendant prays that the plaintiffs be ordered and directed to bring back the deposit and also prays for appointment of the Court Receiver in respect of the R.B.I. Bonds. This property is not the subject matter of testamentary suit.

Therefore, no interim order can be passed. So far as prayer made for appointment of court receiver is concerned, the same is in relation to the bonds of Reserve Bank of India which are nothing but money and the administrator can be appointed in extreme case of waste of property for preserving the property. So far as the bonds of Reserve Bank of India are concerned, there is no question of waste and therefore, in my opinion, there is no question of appointment of administrator/Receiver.

. Notice of motion is disposed of.

(D.K. DESHMUKH, J.)